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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD WALSH,

Plaintiff,

-against-

ORDER

01-CV-3085(SJF)(JO)

GLENN GOORD, COMMISSIONER OF NEW YORK
STATE DEPARTMENT OF CORRECTIONS,
SUFFOLK COUNTY JAIL, Medical Department,
DOWNSTATE CORRECTIONAL FACILITY,
Medical Department, ARTHUR KILL
CORRECTIONAL FACILITY, Medical Department,
ULSTER CORRECTIONAL FACILITY, Medical
Department, AUBURN CORRECTIONAL FACILITY,
Medical Department, GOWANDA CORRECTIONAL
FACILITY, UNIVERSITY HOSPITAL,

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.

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LONG ISLAND OFFICE

Defendants.

X

FEUERSTEIN, J.

Plaintiff Edward Walsh (plaintiff) commenced this action on May 15, 2001, alleging violations of his Eight Amendment right to be free from cruel and unusual punishment. By Memorandum Decision and Order dated April 23, 2003, District Judge Denis R. Hurley denied plaintiff's motion to amend his complaint without prejudice to renewing the motion within sixty (60) days from the date of that Order. The Order further provided that should plaintiff fail to renew his motion to amend his complaint within the sixty day period, defendants may move to dismiss the original complaint.

Plaintiff failed to renew his motion to amend his complaint within the sixty (60) day period. Defendants Arthur Kill Correctional Facility, Downstate Correctional Facility, Gowanda Correctional Facility, and Ulster Correctional Facility (the State defendants), and Suffolk County

Jail (collectively, defendants) have moved to dismiss the original complaint in accordance with Judge Hurley's Order. By Order dated October 2, 2003, Judge Hurley directed, *inter alia*, that plaintiff serve his opposition papers on or before October 20, 2003. The Order further provided that if plaintiff failed to respond by that date, the Court would consider the motions on the submitted papers. Plaintiff failed to oppose or otherwise respond to the motions. On October 16, 2003, this case was reassigned from Judge Hurley to this Court.

For the reasons set forth in Judge Hurley's Memorandum Decision and Order, namely that plaintiff failed to exhaust his administrative remedies in accordance with the Prisoner Litigation Reform Act, 42 U.S.C. § 1997e (PLRA), and there being no opposition to defendants' motion to dismiss the original complaint from plaintiff, ~~plaintiff's complaint is hereby dismissed.~~

SO ORDERED.


Sandra J. Lee
United States District Judge

Date: August 9, 2004
Central Islip, New York

Copies to:

ANDREW J. SCHATKIN, ESQ.
350 Jericho Turnpike
Jericho, New York 11753

EDWARD WALSH, JR., 99-A-6760
Suffolk County Jail
100 Center Drive
Riverhead, New York 11901

SUFFOLK COUNTY ATTORNEY'S OFFICE
H. Lee Dennison Building, Fifth Floor
P.O. Box 6100
100 Veterans Memorial Highway
Hauppauge, New York 11788-0099

NEW YORK STATE DEPARTMENT OF LAW
300 Motor Parkway, Suite 205
Hauppauge, New York 11788.